

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **HELICAL NEEDLE APPARATUS FOR CREATING A VIRTUAL ELECTRODE USED FOR THE ABLATION OF TISSUE**.

The specification of which

a. is attached hereto

b. _____ was filed on _____ application serial no. _____ was amended on _____ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. _____ filed _____ and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. no such applications have been filed.

b. such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC §119

COUNTRY	APPLICATION NUMBER	DATE OF FILING	DATE OF ISSUE

ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING	DATE OF ISSUE

I hereby claim the benefit under Title 35, United States Code, §120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §156(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING	STATUS (patented, pending, abandoned)
60/091,969	July 7, 1998	Pending

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Harold R. Patton	Reg. No. 22,157	Dianne Plunkett Latham	Reg. No. 35,649	Michael R. Binzak	Reg. No. 38,081
Reed A. Duthler	Reg. No. 30,626	Michael J. Jaro	Reg. No. 34,472		
Daniel W. Latham	Reg. No. 30,401	Curtis D. Kinghorn	Reg. No. 33,926		
Michael B. Atlas	Reg. No. 30,606	Thomas F. Woods	Reg. No. 36,726		
Peter Forrest	Reg. No. 33,235	Steven E. Dicke	Reg. No. 38,431		
Patrick G. Billig	Reg. No. 38,080	Timothy A. Czaja	Reg. No. 39,649		
Thomas A. Rendos	Reg. No. 33,349	James R. Nock	Reg. No. 42,937		

Please direct all correspondence in this case to: Timothy A. Czaja

Dicke, Billig & Czaja, P.A.
701 Fourth Avenue South
Suite 1250
Minneapolis, MN 55415
Telephone No.: (612) 573-2004
Facsimile No.: (612) 573-2005

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Peter M. J. Mulier Citizenship: United States of America
Residence: 8140 Lake Elmo Avenue, Stillwater, MN 55082
Post Office Address: Same as above
Inventor's Signature J. Mulier Date June 30 - 99

Full Name of Inventor: Michael F. Hoey

Citizenship: United States of America

Residence: 5733 Pond Drive, Shoreview, MN 55126

Post Office Address: Same as above

Inventor's Signature

Date

7/6/99

ATTORNEY DOCKET

Full Name of Inventor: Richard H. Comben

Citizenship: United Kingdom

Residence: 2832 Woodcrest, St. Paul, MN 55112

Post Office Address: Same as above

Inventor's Signature

Date

ATTORNEY DOCKET

§1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals, other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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The specification of which

- a. _____ is attached hereto
- b. was filed on July 6, 1999 application serial no. 09/347,752 was amended on _____ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. _____ filed _____ and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

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Timothy A. Czaja	Reg. No. 39,649	Thomas A. Rendos	Reg. No. 33,349
James R. Nock	Reg. No. 42,937	Michael R. Binzak	Reg. No. 38,081

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Inventor's Signature _____ Date _____

Full Name of Inventor: Richard H. Comben Citizenship: United Kingdom

Residence: 2832 Woodcrest, St. Paul, Minnesota 55112

Post Office Address: Same as above

Inventor's Signature Richard H. Comben Date AUG 20 1999